

I certify that the attached is a true and
correct copy of HB 1330, which
was filed of record on FEB 21 1989
and referred to the committee on:

Natural Resources

Betty Murray

Chief Clerk of the House

1989 MAR -8 AM 8:42
HOUSE OF REPRESENTATIVES

FILED FEB 21 1989

By SWIFT

H.B. No. 1330

A BILL TO BE ENTITLED

AN ACT

relating to inspections and the collection of certain information
by the Texas Water Commission concerning certain matters under its
jurisdiction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 26.014, Water Code (effective until
delegation of NPDES permit authority), is amended to read as
follows:

Sec. 26.014. POWER TO ENTER PROPERTY. (a) The members of
the commission and employees and agents of the commission are
entitled to enter any public or private property at any reasonable
time for the purpose of inspecting and investigating conditions
relating to the quality of water in the state.

(b) The authority granted under this section to a member,
employee, or agent of the commission includes the right to:

- (1) take photographs;
- (2) collect surface water samples and subsurface and
groundwater samples;
- (3) collect soil samples; and
- (4) copy records required to be kept at the facility
by this code, the Solid Waste Disposal Act (Article 4477-7,
Vernon's Texas Civil Statutes), or commission rule.

(c) Members, employees, or agents acting under this
authority who enter private property shall observe the

1 establishment's rules and regulations concerning safety, internal
2 security, and fire protection, and if the property has management
3 in residence, shall notify management or the person then in charge
4 of his presence and shall exhibit proper credentials.

5 (d) If any member, employee, or agent is refused the right
6 to enter in or on public or private property or to carry out a
7 function authorized under this section [authority], the executive
8 director may invoke the remedies under Sections [authorized--in
9 Section] 26.123 and 26.136 of this code.

10 SECTION 2. Section 26.014, Water Code (effective on
11 delegation of NPDES permit authority), is amended to read as
12 follows:

13 Sec. 26.014. POWER TO ENTER PROPERTY. (a) The members of
14 the commission and employees and agents of the commission are
15 entitled to enter any public or private property at any reasonable
16 time for the purpose of inspecting and investigating conditions
17 relating to the quality of water in the state or the compliance
18 with any rule, regulation, permit or other order of the commission.

19 (b) The authority granted under this section to a member,
20 employee, or agent of the commission includes the right to:

21 (1) take photographs;

22 (2) collect surface water samples and subsurface and
23 groundwater samples;

24 (3) collect soil samples; and

25 (4) copy records required to be kept at the facility
26 by this code, the Solid Waste Disposal Act (Article 4477-7,
27 Vernon's Texas Civil Statutes), or commission rule.

1 (c) Members, employees, or agents acting under this
2 authority who enter private property shall observe the
3 establishment's rules and regulations concerning safety, internal
4 security, and fire protection, and if the property has management
5 in residence, shall notify management or the person then in charge
6 of his presence and shall exhibit proper credentials.

7 (d) If any member, employee, or agent is refused the right
8 to enter in or on public or private property or to carry out a
9 function authorized under this section [~~authority~~], the executive
10 director may invoke the remedies under Sections [~~authorized--in~~
11 ~~Section~~] 26.123 and 26.136 of this code.

12 SECTION 3. Section 26.356, Water Code, is amended by
13 amending Subsection (b) and adding Subsection (d) to read as
14 follows:

15 (b) For the purposes of developing or assisting in the
16 development of a regulation, conducting a study, or enforcing the
17 provisions of this section, the commission, its designated agent,
18 or employee may:

19 (1) enter at reasonable times an establishment or
20 place in which an underground storage tank is located;

21 (2) inspect and obtain samples of a regulated
22 substance contained in the tank from any person; [~~and~~]

23 (3) conduct monitoring or testing of the tanks,
24 associated equipment, contents, or surrounding soils, air, surface
25 water, or groundwater;

26 (4) take photographs; and

27 (5) inspect and copy pertinent records.

1 (d) If a member, designated agent, or employee of the
2 commission is refused the right to enter in or on public or private
3 property or to carry out a function authorized under this section,
4 the executive director may invoke the remedies under Sections
5 26.123 and 26.136 of this code.

6 SECTION 4. Section 27.071, Water Code, is amended to read as
7 follows:

8 Sec. 27.071. POWER TO ENTER PROPERTY. (a) Members of the
9 commission and the railroad commission and employees of the
10 commission and the railroad commission may enter public or private
11 property to inspect and investigate conditions relating to
12 injection well or disposal well activities within their respective
13 jurisdictions or to monitor compliance with a rule, permit, or
14 other order of the commission or railroad commission.

15 (b) The authority granted under this section to a member or
16 employee of the commission includes the right to:

17 (1) take photographs;

18 (2) collect surface water samples and subsurface and
19 groundwater samples; and

20 (3) collect soil samples.

21 (c) Members or employees acting under the authority of this
22 section who enter an establishment on public or private property
23 shall observe the establishment's safety, internal security, and
24 fire protection rules.

25 (d) If a member or employee of the commission is refused the
26 right to enter in or on public or private property or to carry out
27 a function authorized under this section, the executive director

1 may assess a civil penalty under Section 27.1015 of this code.

2 SECTION 5. Section 7, Solid Waste Disposal Act (Article
3 4477-7, Vernon's Texas Civil Statutes), is amended by adding a new
4 Subsection (c) and relettering existing Subsections (c)-(g) as
5 Subsections (d)-(h) to read as follows:

6 (c) The authority granted under this section to an
7 authorized agent or employee of the commission includes the right
8 to:

9 (1) take photographs;

10 (2) collect surface water samples and subsurface and
11 groundwater samples;

12 (3) collect soil samples; and

13 (4) inspect and copy records concerning solid waste
14 management of a facility inspected under this section. If an
15 authorized agent or employee of the commission is refused the right
16 to enter in or on public or private property or to carry out a
17 function authorized under this section, the executive director may
18 invoke the remedies under Sections 8, 8a, and 8b of this Act.

19 (d) [(e)] Regulated hazardous waste management and disposal
20 facilities shall be inspected periodically by the department or
21 department of water resources as required by the U.S. Environmental
22 Protection Agency pursuant to the federal Solid Waste Disposal Act,
23 as amended by the Resource Conservation and Recovery Act, as
24 amended. In supplementing these inspections, the department and
25 the department of water resources shall give priority to inspecting
26 and reinspecting those facilities, including generators, deemed
27 most likely to be noncompliant or most likely to pose an

1 environmental or public health threat, regardless of whether they
2 are characterized as major or non-major facilities. The state
3 agencies may also randomly perform less comprehensive checks of
4 facilities to supplement the more comprehensive inspections
5 required by the U.S. Environmental Protection Agency.

6 (e) [~~(d)~~] Records copied pursuant to Subsection (b) or (c)
7 of this section shall be public records, except that, if a showing
8 satisfactory to the commissioner of the department or to the
9 executive director is made by the owner of such records that the
10 records would divulge trade secrets if made public, then the
11 department or the commission shall consider such copied records as
12 confidential. Nothing in this subsection shall require the
13 commission or the department to consider the composition or
14 characteristics of solid waste being processed, stored, disposed,
15 or otherwise handled to be held confidential.

16 (f) [~~(e)~~] The department and department of water resources
17 shall publish annually [~~beginning in January, 1986,~~] a report to be
18 known as the annual inspection report, which shall summarize the
19 agency's inspection strategy and the results of all inspections
20 conducted during the previous fiscal year, and list hazardous waste
21 treatment, storage and disposal facilities not inspected. The
22 annual inspection report shall identify each hazardous waste
23 facility inspected and shall include the following information: a
24 listing of those facilities found to be compliant with all
25 hazardous waste regulations, those facilities with only minor or
26 clerical violations, and those found to have substantive,
27 non-clerical violations. In addition, for substantive,

HOUSE COMMITTEE REPORT

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1st Printing

By Swift

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relating to inspections and the collection of certain information by the Texas Water Commission concerning certain matters under its jurisdiction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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(b) The authority granted under this section to a member, employee, or agent of the commission includes the right to:

(1) take photographs;

(2) collect surface water samples and subsurface and groundwater samples;

(3) collect soil samples; and

(4) copy records required to be kept at the facility by this code, the Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), or commission rule.

(c) Members, employees, or agents acting under this authority who enter private property shall observe the

establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials.

(d) If any member, employee, or agent is refused the right to enter in or on public or private property or to carry out a function authorized under this section [~~authority~~], the executive director may invoke the remedies under Sections [~~authorized--in Section~~] 26.123 and 26.136 of this code.

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SECTION 3. Section 26.356, Water Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) For the purposes of developing or assisting in the development of a regulation, conducting a study, or enforcing the provisions of this section, the commission, its designated agent, or employee may:

(1) enter at reasonable times an establishment or place in which an underground storage tank is located;

(2) inspect and obtain samples of a regulated substance contained in the tank from any person; [and]

(3) conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water, or groundwater;

(4) take photographs; and

(5) inspect and copy pertinent records.

1 (d) If a member, designated agent, or employee of the
2 commission is refused the right to enter in or on public or private
3 property or to carry out a function authorized under this section,
4 the executive director may invoke the remedies under Sections
5 26.123 and 26.136 of this code.

6 SECTION 4. Section 27.071, Water Code, is amended to read as
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11 property to inspect and investigate conditions relating to
12 injection well or disposal well activities within their respective
13 jurisdictions or to monitor compliance with a rule, permit, or
14 other order of the commission or railroad commission.

15 (b) The authority granted under this section to a member or
16 employee of the commission includes the right to:

17 (1) take photographs;

18 (2) collect surface water samples and subsurface and
19 groundwater samples; and

20 (3) collect soil samples.

21 (c) Members or employees acting under the authority of this
22 section who enter an establishment on public or private property
23 shall observe the establishment's safety, internal security, and
24 fire protection rules.

25 (d) If a member or employee of the commission is refused the
26 right to enter in or on public or private property or to carry out
27 a function authorized under this section, the executive director

1 may assess a civil penalty under Section 27.1015 of this code.

2 SECTION 5. Section 7, Solid Waste Disposal Act (Article
3 4477-7, Vernon's Texas Civil Statutes), is amended by adding a new
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6 (c) The authority granted under this section to an
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9 (1) take photographs;
10 (2) collect surface water samples and subsurface and
11 groundwater samples;
12 (3) collect soil samples; and
13 (4) inspect and copy records concerning solid waste
14 management of a facility inspected under this section. If an
15 authorized agent or employee of the commission is refused the right
16 to enter in or on public or private property or to carry out a
17 function authorized under this section, the executive director may
18 invoke the remedies under Sections 8, 8a, and 8b of this Act.

19 (d) [(e)] Regulated hazardous waste management and disposal
20 facilities shall be inspected periodically by the department or
21 department of water resources as required by the U.S. Environmental
22 Protection Agency pursuant to the federal Solid Waste Disposal Act,
23 as amended by the Resource Conservation and Recovery Act, as
24 amended. In supplementing these inspections, the department and
25 the department of water resources shall give priority to inspecting
26 and reinspecting those facilities, including generators, deemed
27 most likely to be noncompliant or most likely to pose an

1 environmental or public health threat, regardless of whether they
2 are characterized as major or non-major facilities. The state
3 agencies may also randomly perform less comprehensive checks of
4 facilities to supplement the more comprehensive inspections
5 required by the U.S. Environmental Protection Agency.

6 (e) [~~(d)~~] Records copied pursuant to Subsection (b) or (c)
7 of this section shall be public records, except that, if a showing
8 satisfactory to the commissioner of the department or to the
9 executive director is made by the owner of such records that the
10 records would divulge trade secrets if made public, then the
11 department or the commission shall consider such copied records as
12 confidential. Nothing in this subsection shall require the
13 commission or the department to consider the composition or
14 characteristics of solid waste being processed, stored, disposed,
15 or otherwise handled to be held confidential.

16 (f) [~~(e)~~] The department and department of water resources
17 shall publish annually [~~beginning in January, 1986,~~] a report to be
18 known as the annual inspection report, which shall summarize the
19 agency's inspection strategy and the results of all inspections
20 conducted during the previous fiscal year, and list hazardous waste
21 treatment, storage and disposal facilities not inspected. The
22 annual inspection report shall identify each hazardous waste
23 facility inspected and shall include the following information: a
24 listing of those facilities found to be compliant with all
25 hazardous waste regulations, those facilities with only minor or
26 clerical violations, and those found to have substantive,
27 non-clerical violations. In addition, for substantive,

1 non-clerical violations, the report shall identify the violations
2 and either summarize corrective actions or describe the status of
3 unresolved violations.

4 (g) [~~f~~] The annual inspection report shall be submitted to
5 the governor, lieutenant governor, and speaker of the house. The
6 state agencies shall provide notice of the availability of the
7 report by publication of notice in the Texas Register.

8 (h) [~~g~~] The report of each state agency shall identify
9 those facilities having demonstrated an exemplary record of
10 compliance over the preceding three-year period and those
11 facilities which have been adjudicated during the preceding
12 three-year period to have committed substantive, non-clerical
13 violations which have resulted in an actual release of hazardous
14 waste that presented an imminent and substantial endangerment to
15 the public health and safety or the environment.

16 SECTION 6. The importance of this legislation and the
17 crowded condition of the calendars in both houses create an
18 emergency and an imperative public necessity that the
19 constitutional rule requiring bills to be read on three several
20 days in each house be suspended, and this rule is hereby suspended,
21 and that this Act take effect and be in force from and after its
22 passage, and it is so enacted.

COMMITTEE AMENDMENT NO. 1

Amend H.B. 1330 as follows:

(1) On page 2, line 8-9 strike the words under sections and insert authorized in section.

(2) On page 2, line 9 strike the words and 26.136

(3) On page 3, line 10-11 strike the words under sections
and insert authorized in section.

(4) On page 3, line 11 strike the words and 26.136.

Junell

COMMITTEE AMENDMENT NO. 2

Amend H.B. 1330 as follows:

(1) On page 2, line 10, insert the following paragraph to precede section 2 of the bill:

"(e) If it is asserted that any photograph taken pursuant to this section contains confidential information, such as trade secrets, the Commission shall retain such photograph in a file marked "Confidential", and shall afford to the person asserting confidentiality an opportunity to support that assertion in writing. The Commission shall assure that trade secrets and other confidential information are not divulged. Photographs treated as confidential information may be used as evidence pursuant to a protective order issued by the Commission or its designee."

(2) On page 3, line 12, insert the following paragraph to precede Section 3 of the bill:

"(e) If it is asserted that any photograph taken pursuant to this section contains confidential information, such as trade secrets, the Commission shall retain such photograph in a file

marked "Confidential", and shall afford to the person asserting confidentiality an opportunity to support that assertion in writing. The Commission shall assure that trade secrets and other confidential information are not divulged. Photographs treated as confidential information may be used as evidence pursuant to a protective order issued by the Commission or its designee."

(3) On page 4, line 6, insert the following paragraph to precede Section 4 of the bill:

"(e) If it is asserted that any photograph taken pursuant to this section contains confidential information, such as trade secrets, the Commission shall retain such photograph in a file marked "Confidential", and shall afford to the person asserting confidentiality an opportunity to support that assertion in writing. The Commission shall assure that trade secrets and other confidential information are not divulged. Photographs treated as confidential information may be used as evidence pursuant to a protective order issued by the Commission or its designee."

(4) On page 5, line 2, insert the following paragraph to precede Section 5 of the bill:

"(e) If it is asserted that any photograph taken pursuant to this section contains confidential information, such as trade secrets, the Commission shall retain such photograph in a file marked "Confidential", and shall afford to the person asserting confidentiality an opportunity to support that assertion in writing. The Commission shall assure that trade secrets and other confidential information are not divulged. Photographs treated as confidential information may be used as evidence pursuant to a

1 protective order issued by the Commission or its designee."

2 (5) On page 7, line 16, insert the following paragraph to
3 precede Section 6 of the bill:

4 "(i) If it is asserted that any photograph taken pursuant to
5 this section contains confidential information, such as trade
6 secrets, the Commission shall retain such photograph in a file
7 marked "Confidential", and shall afford to the person asserting
8 confidentiality an opportunity to support that assertion in
9 writing. The Commission shall assure that trade secrets and other
10 confidential information are not divulged. Photographs treated as
11 confidential information may be used as evidence pursuant to a
12 protective order issued by the Commission or its designee."

13 Swift

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

4-20-89
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred HB 1330 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

- () do pass, without amendment.
- (x) do pass, with amendment(s).
- () do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (x) yes () no An actuarial analysis was requested. () yes (x) no

An author's fiscal statement was requested. () yes (x) no

A criminal justice policy impact statement was prepared. () yes (x) no

A water development policy impact statement was requested. () yes (x) no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the () Local, () Consent, or () Resolutions Calendar.

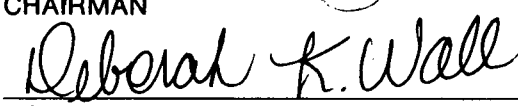
This measure () proposes new law. (x) amends existing law.

House Sponsor of Senate Measure

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Smith, T., Ch.	x			
Willy, V.C.	x			
Collazo, C.B.O.				x
Culberson	x			
Holzheuser	x			
June11	x			
Swift	x			
Wentworth	x			
Yost	x			

Total
8 aye
0 nay
0 present, not voting
1 absent


CHAIRMAN

COMMITTEE COORDINATOR

BILL ANALYSIS

Background

Current provisions in the Water Code and Solid Waste Disposal Act generally authorize inspections by agency staff, but at times authority to take pertinent photographs or samples has been challenged. In such cases it has been necessary to obtain search warrants or injunctions in order to complete required inspections.

Purpose of the Bill

This bill clarifies the authority of commission staff in making inspections, eliminating the time and expense involved in obtaining search warrants or injunctions.

Section by Section Analysis

Section 1. Section 26.014, Water Code, is amended to grant the commission authority to enter property for certain activities associated with inspection and sampling for purposes relating state water quality. Adds provision for enforcement and penalties under Section 26.136, Water Code.

Section 2. Makes conforming amendments to Section 26.014, Water Code.

Section 3. Makes conforming amendments to Section 26.356, Water Code.

Section 4. Makes conforming amendments to Section 27.071, Water Code.

Section 5. Makes conforming amendments to Section 7, Solid Waste Disposal Act, (Vernon's Article 4477-7).

Section 6. Emergency clause.

Rulemaking Authority

It is the opinion of this committee that this bill does not delegate rulemaking authority to any state agency, officer, department, or institution.

Summary of Committee Action

HB 1330 was considered in public hearing on March 22, 1989. Representative Swift introduced his bill. Allen Beike of the Texas Water Commission testified as a resource witness on the bill. There were no other witnesses. HB 1330 was left pending in committee.

HB 1330 was considered in formal meeting on April 20, 1989. Representative Junell offered an amendment to the bill which was adopted and Representative Swift offered a second amendment to the bill which was also adopted. The motion to report the bill, as amended, favorably carried with a vote of 8 ayes, 0 nays, 0 PNV, and 1 absent.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 21, 1989

TO: Honorable Terral Smith, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

In Re: House Bill No. 1330
By: Swift

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1330 (relating to inspections and the collection of certain information by the Texas Water Commission concerning certain matters under its jurisdiction) this office has determined the following:

The bill would amend several sections of the Water Code to clarify the authority of commissioners and employees of the Water Commission and the Railroad Commission to enter public and private property in order to investigate conditions relating to water quality and would provide specific authority to perform certain tasks in relation to such investigations and inspections.

No fiscal implication to the State or units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Water Commission;
LBB Staff: JO, JWH, AL, WRC, CKM

ADOPTED
MAY 11 1989
Betty Messing
Chief Clerk
House of Representatives

AMENDMENT NO. 1

BY Junell

- 1 Amend H.B. 1330 as follows:
- 2 ✓ (1) On page 2, line 8-9 strike the words under sections and
- 3 insert authorized in section.
- 4
- 5 ✓ (2) On page 2, line 9 strike the words and 26.136
- 6
- 7 (3) On page 3, line 10-11 strike the words under sections
- 8 and insert authorized in section.
- 9
- 10 (4) On page 3, line 11 strike the words and 26.136.
- 11
- 12
- 13
- 14
- 15
- 16
- 17

ADOPTED

MAY 11 1989

Betty Murray
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO. 2

By: Swift

Amend H.B. 1330 as follows:

(1) On page 2, line 10, insert the following paragraph to precede section 2 of the bill:

INSCR
"(e) If it is asserted that any photograph taken pursuant to this section contains confidential information, such as trade secrets, the Commission shall retain such photograph in a file marked "Confidential", and shall afford to the person asserting confidentiality an opportunity to support that assertion in writing. The Commission ~~shall~~ ~~with~~ ~~the person asserting confidentiality~~ assure that trade secrets and other confidential information are not divulged. Photographs treated as confidential information may be used as evidence pursuant to a protective order issued by the Commission or its designee."

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"(e) If it is asserted that any photograph taken pursuant to this section contains confidential information, such as trade secrets, the Commission shall retain such photograph in a file marked "Confidential", and shall afford to the person asserting confidentiality an opportunity to support that assertion in writing. The Commission ~~shall~~ ~~with~~ ~~the person asserting confidentiality~~ assure that trade secrets and other confidential information are not divulged. Photographs treated as confidential information may be used as evidence pursuant to a protective order issued by the Commission or its designee."

(3) On page 4, line 6, insert the following paragraph to precede Section 4 of the bill:

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(4) On page 5, line 2, insert the following paragraph to precede Section 5 of the bill:

"(e) If it is asserted that any photograph taken pursuant to this section contains confidential information, such as trade secrets, the Commission shall retain such photograph in a file marked "Confidential"/, and shall afford to the person asserting confidentiality an opportunity to support that assertion in writing. The Commission ~~shall~~ shall ~~work with~~ ~~the person asserting confidentiality~~ to assure that trade secrets and other confidential information are not divulged. Photographs treated as confidential information may be used as evidence pursuant to a protective order issued by the Commission or its designee."

(5) On page 7, line 16, insert the following paragraph to precede Section 6 of the bill:

"(i) If it is asserted that any photograph taken pursuant to this section contains confidential information, such as trade secrets, the Commission shall retain such photograph in a file marked "Confidential"/, and shall afford to the person asserting confidentiality an opportunity to support that assertion in writing. The Commission ~~shall~~ shall ~~work with~~ ~~the person asserting confidentiality~~ to assure that trade secrets and other confidential information are not divulged. Photographs treated as confidential information may be used as evidence pursuant to a protective order issued by the Commission or its designee."

ADOPTED

MAY 11 1989

Betty Murray
Chief Clerk
House of Representatives

FLOOR AMENDMENT NO.

3

BY DENTON

1 Amend H.B. No. 1330 as follows:

2 At page 1, line 15 between "includes" and "the", insert
3 ", but is not limited to,".

4 At page 2, line 20 between "includes" and "the", insert
5 ", but is not limited to,".

6 At page 4, line 16 between "includes" and "the", insert
7 ", but is not limited to,".

8 At page 5, line 7 between "includes" and "the", insert ", but
9 is not limited to,".

10

11

12

13

14

COMMITTEE ON

LEGISLATION

ENGROSSED
SECOND READING

By Swift

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(b) The authority granted under this section to a member, employee, or agent of the commission includes, but is not limited to, the right to:

(1) take photographs;

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(3) collect soil samples; and

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1 authority who enter private property shall observe the
2 establishment's rules and regulations concerning safety, internal
3 security, and fire protection, and if the property has management
4 in residence, shall notify management or the person then in charge
5 of his presence and shall exhibit proper credentials.

6 (d) If any member, employee, or agent is refused the right
7 to enter in or on public or private property or to carry out a
8 function authorized under this section [~~authority~~], the executive
9 director may invoke the remedies authorized in Section 26.123 of
10 this code.

11 (e) If it is asserted that any photograph taken pursuant to
12 this section contains confidential information, such as trade
13 secrets, the commission shall retain such photograph in a file
14 marked "Confidential," and shall afford to the person asserting
15 confidentiality an opportunity to support that assertion in
16 writing. The commission shall assure that trade secrets and other
17 confidential information are not divulged. Photographs treated as
18 confidential information may be used as evidence pursuant to a
19 protective order issued by the commission or its designee.

20 SECTION 2. Section 26.014, Water Code (effective on
21 delegation of NPDES permit authority), is amended to read as
22 follows:

23 Sec. 26.014. POWER TO ENTER PROPERTY. (a) The members of
24 the commission and employees and agents of the commission are
25 entitled to enter any public or private property at any reasonable
26 time for the purpose of inspecting and investigating conditions
27 relating to the quality of water in the state or the compliance

1 with any rule, regulation, permit or other order of the commission.

2 (b) The authority granted under this section to a member,
3 employee, or agent of the commission includes, but is not limited
4 to, the right to:

5 (1) take photographs;

6 (2) collect surface water samples and subsurface and
7 groundwater samples;

8 (3) collect soil samples; and

9 (4) copy records required to be kept at the facility
10 by this code, the Solid Waste Disposal Act (Article 4477-7,
11 Vernon's Texas Civil Statutes), or commission rule.

12 (c) Members, employees, or agents acting under this
13 authority who enter private property shall observe the
14 establishment's rules and regulations concerning safety, internal
15 security, and fire protection, and if the property has management
16 in residence, shall notify management or the person then in charge
17 of his presence and shall exhibit proper credentials.

18 (d) If any member, employee, or agent is refused the right
19 to enter in or on public or private property or to carry out a
20 function authorized under this section [authority], the executive
21 director may invoke the remedies authorized in Section 26.123 of
22 this code.

23 (e) If it is asserted that any photograph taken pursuant to
24 this section contains confidential information, such as trade
25 secrets, the commission shall retain such photograph in a file
26 marked "Confidential," and shall afford to the person asserting
27 confidentiality an opportunity to support that assertion in

1 writing. The commission shall assure that trade secrets and other
2 confidential information are not divulged. Photographs treated as
3 confidential information may be used as evidence pursuant to a
4 protective order issued by the commission or its designee.

5 SECTION 3. Section 26.356, Water Code, is amended by
6 amending Subsection (b) and adding Subsections (d) and (e) to read
7 as follows:

8 (b) For the purposes of developing or assisting in the
9 development of a regulation, conducting a study, or enforcing the
10 provisions of this section, the commission, its designated agent,
11 or employee may:

12 (1) enter at reasonable times an establishment or
13 place in which an underground storage tank is located;

14 (2) inspect and obtain samples of a regulated
15 substance contained in the tank from any person; [and]

16 (3) conduct monitoring or testing of the tanks,
17 associated equipment, contents, or surrounding soils, air, surface
18 water, or groundwater;

19 (4) take photographs; and

20 (5) inspect and copy pertinent records.

21 (d) If a member, designated agent, or employee of the
22 commission is refused the right to enter in or on public or private
23 property or to carry out a function authorized under this section,
24 the executive director may invoke the remedies under Sections
25 26.123 and 26.136 of this code.

26 (e) If it is asserted that any photograph taken pursuant to
27 this section contains confidential information, such as trade

1 secrets, the commission shall retain such photograph in a file
2 marked "Confidential," and shall afford to the person asserting
3 confidentiality an opportunity to support that assertion in
4 writing. The commission shall assure that trade secrets and other
5 confidential information are not divulged. Photographs treated as
6 confidential information may be used as evidence pursuant to a
7 protective order issued by the commission or its designee.

8 SECTION 4. Section 27.071, Water Code, is amended to read as
9 follows:

10 Sec. 27.071. POWER TO ENTER PROPERTY. (a) Members of the
11 commission and the railroad commission and employees of the
12 commission and the railroad commission may enter public or private
13 property to inspect and investigate conditions relating to
14 injection well or disposal well activities within their respective
15 jurisdictions or to monitor compliance with a rule, permit, or
16 other order of the commission or railroad commission.

17 (b) The authority granted under this section to a member or
18 employee of the commission includes, but is not limited to, the
19 right to:

20 (1) take photographs;

21 (2) collect surface water samples and subsurface and
22 groundwater samples; and

23 (3) collect soil samples.

24 (c) Members or employees acting under the authority of this
25 section who enter an establishment on public or private property
26 shall observe the establishment's safety, internal security, and
27 fire protection rules.

1 (d) If a member or employee of the commission is refused the
2 right to enter in or on public or private property or to carry out
3 a function authorized under this section, the executive director
4 may assess a civil penalty under Section 27.1015 of this code.

5 (e) If it is asserted that any photograph taken pursuant to
6 this section contains confidential information, such as trade
7 secrets, the commission shall retain such photograph in a file
8 marked "Confidential," and shall afford to the person asserting
9 confidentiality an opportunity to support that assertion in
10 writing. The commission shall assure that trade secrets and other
11 confidential information are not divulged. Photographs treated as
12 confidential information may be used as evidence pursuant to a
13 protective order issued by the commission or its designee.

14 SECTION 5. Section 7, Solid Waste Disposal Act (Article
15 4477-7, Vernon's Texas Civil Statutes), is amended by adding new
16 Subsections (c) and (i) and relettering existing Subsections
17 (c)-(g) as Subsections (d)-(h) to read as follows:

18 (c) The authority granted under this section to an
19 authorized agent or employee of the commission includes, but is not
20 limited to, the right to:

- 21 (1) take photographs;
22 (2) collect surface water samples and subsurface and
23 groundwater samples;
24 (3) collect soil samples; and
25 (4) inspect and copy records concerning solid waste
26 management of a facility inspected under this section. If an
27 authorized agent or employee of the commission is refused the right

1 to enter in or on public or private property or to carry out a
2 function authorized under this section, the executive director may
3 invoke the remedies under Sections 8, 8a, and 8b of this Act.

4 (d) [~~(e)~~] Regulated hazardous waste management and disposal
5 facilities shall be inspected periodically by the department or
6 department of water resources as required by the U.S. Environmental
7 Protection Agency pursuant to the federal Solid Waste Disposal Act,
8 as amended by the Resource Conservation and Recovery Act, as
9 amended. In supplementing these inspections, the department and
10 the department of water resources shall give priority to inspecting
11 and reinspecting those facilities, including generators, deemed
12 most likely to be noncompliant or most likely to pose an
13 environmental or public health threat, regardless of whether they
14 are characterized as major or non-major facilities. The state
15 agencies may also randomly perform less comprehensive checks of
16 facilities to supplement the more comprehensive inspections
17 required by the U.S. Environmental Protection Agency.

18 (e) [~~(d)~~] Records copied pursuant to Subsection (b) or (c)
19 of this section shall be public records, except that, if a showing
20 satisfactory to the commissioner of the department or to the
21 executive director is made by the owner of such records that the
22 records would divulge trade secrets if made public, then the
23 department or the commission shall consider such copied records as
24 confidential. Nothing in this subsection shall require the
25 commission or the department to consider the composition or
26 characteristics of solid waste being processed, stored, disposed,
27 or otherwise handled to be held confidential.

1 (f) [~~(e)~~] The department and department of water resources
2 shall publish annually [~~beginning-in-January7-19867~~] a report to be
3 known as the annual inspection report, which shall summarize the
4 agency's inspection strategy and the results of all inspections
5 conducted during the previous fiscal year, and list hazardous waste
6 treatment, storage and disposal facilities not inspected. The
7 annual inspection report shall identify each hazardous waste
8 facility inspected and shall include the following information: a
9 listing of those facilities found to be compliant with all
10 hazardous waste regulations, those facilities with only minor or
11 clerical violations, and those found to have substantive,
12 non-clerical violations. In addition, for substantive,
13 non-clerical violations, the report shall identify the violations
14 and either summarize corrective actions or describe the status of
15 unresolved violations.

16 (g) [~~(f)~~] The annual inspection report shall be submitted to
17 the governor, lieutenant governor, and speaker of the house. The
18 state agencies shall provide notice of the availability of the
19 report by publication of notice in the Texas Register.

20 (h) [~~(g)~~] The report of each state agency shall identify
21 those facilities having demonstrated an exemplary record of
22 compliance over the preceding three-year period and those
23 facilities which have been adjudicated during the preceding
24 three-year period to have committed substantive, non-clerical
25 violations which have resulted in an actual release of hazardous
26 waste that presented an imminent and substantial endangerment to
27 the public health and safety or the environment.

1 (i) If it is asserted that any photograph taken pursuant to
2 this section contains confidential information, such as trade
3 secrets, the commission shall retain such photograph in a file
4 marked "Confidential," and shall afford to the person asserting
5 confidentiality an opportunity to support that assertion in
6 writing. The commission shall assure that trade secrets and other
7 confidential information are not divulged. Photographs treated as
8 confidential information may be used as evidence pursuant to a
9 protective order issued by the commission or its designee.

10 SECTION 6. The importance of this legislation and the
11 crowded condition of the calendars in both houses create an
12 emergency and an imperative public necessity that the
13 constitutional rule requiring bills to be read on three several
14 days in each house be suspended, and this rule is hereby suspended,
15 and that this Act take effect and be in force from and after its
16 passage, and it is so enacted.

HOUSE ENGROSSMENT

COMMITTEE REPORT
H. B. NO. 1330

By Swift

H.B. No. 1330

A BILL TO BE ENTITLED

AN ACT

relating to inspections and the collection of certain information by the Texas Water Commission concerning certain matters under its jurisdiction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 26.014, Water Code (effective until delegation of NPDES permit authority), is amended to read as follows:

Sec. 26.014. POWER TO ENTER PROPERTY. (a) The members of the commission and employees and agents of the commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state.

(b) The authority granted under this section to a member, employee, or agent of the commission includes, but is not limited to, the right to:

(1) take photographs;

(2) collect surface water samples and subsurface and groundwater samples;

(3) collect soil samples; and

(4) copy records required to be kept at the facility by this code, the Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), or commission rule.

(c) Members, employees, or agents acting under this

1 authority who enter private property shall observe the
2 establishment's rules and regulations concerning safety, internal
3 security, and fire protection, and if the property has management
4 in residence, shall notify management or the person then in charge
5 of his presence and shall exhibit proper credentials.

6 (d) If any member, employee, or agent is refused the right
7 to enter in or on public or private property or to carry out a
8 function authorized under this section [~~authority~~], the executive
9 director may invoke the remedies authorized in Section 26.123 of
10 this code.

11 (e) If it is asserted that any photograph taken pursuant to
12 this section contains confidential information, such as trade
13 secrets, the commission shall retain such photograph in a file
14 marked "Confidential," and shall afford to the person asserting
15 confidentiality an opportunity to support that assertion in
16 writing. The commission shall assure that trade secrets and other
17 confidential information are not divulged. Photographs treated as
18 confidential information may be used as evidence pursuant to a
19 protective order issued by the commission or its designee.

20 SECTION 2. Section 26.014, Water Code (effective on
21 delegation of NPDES permit authority), is amended to read as
22 follows:

23 Sec. 26.014. POWER TO ENTER PROPERTY. (a) The members of
24 the commission and employees and agents of the commission are
25 entitled to enter any public or private property at any reasonable
26 time for the purpose of inspecting and investigating conditions
27 relating to the quality of water in the state or the compliance

1 with any rule, regulation, permit or other order of the commission.

2 (b) The authority granted under this section to a member,
3 employee, or agent of the commission includes, but is not limited
4 to, the right to:

5 (1) take photographs;

6 (2) collect surface water samples and subsurface and
7 groundwater samples;

8 (3) collect soil samples; and

9 (4) copy records required to be kept at the facility
10 by this code, the Solid Waste Disposal Act (Article 4477-7,
11 Vernon's Texas Civil Statutes), or commission rule.

12 (c) Members, employees, or agents acting under this
13 authority who enter private property shall observe the
14 establishment's rules and regulations concerning safety, internal
15 security, and fire protection, and if the property has management
16 in residence, shall notify management or the person then in charge
17 of his presence and shall exhibit proper credentials.

18 (d) If any member, employee, or agent is refused the right
19 to enter in or on public or private property or to carry out a
20 function authorized under this section [autherity], the executive
21 director may invoke the remedies authorized in Section 26.123 of
22 this code.

23 (e) If it is asserted that any photograph taken pursuant to
24 this section contains confidential information, such as trade
25 secrets, the commission shall retain such photograph in a file
26 marked "Confidential," and shall afford to the person asserting
27 confidentiality an opportunity to support that assertion in

1 writing. The commission shall assure that trade secrets and other
 2 confidential information are not divulged. Photographs treated as
 3 confidential information may be used as evidence pursuant to a
 4 protective order issued by the commission or its designee.

5 SECTION 3. Section 26.356, Water Code, is amended by
 6 amending Subsection (b) and adding Subsections (d) and (e) to read
 7 as follows:

8 (b) For the purposes of developing or assisting in the
 9 development of a regulation, conducting a study, or enforcing the
 10 provisions of this section, the commission, its designated agent,
 11 or employee may:

12 (1) enter at reasonable times an establishment or
 13 place in which an underground storage tank is located;

14 (2) inspect and obtain samples of a regulated
 15 substance contained in the tank from any person; ~~and~~

16 (3) conduct monitoring or testing of the tanks,
 17 associated equipment, contents, or surrounding soils, air, surface
 18 water, or groundwater;

19 (4) take photographs; and

20 (5) inspect and copy pertinent records.

21 (d) If a member, designated agent, or employee of the
 22 commission is refused the right to enter in or on public or private
 23 property or to carry out a function authorized under this section,
 24 the executive director may invoke the remedies under Sections
 25 26.123 and 26.136 of this code.

26 (e) If it is asserted that any photograph taken pursuant to
 27 this section contains confidential information, such as trade

1 secrets, the commission shall retain such photograph in a file
2 marked "Confidential," and shall afford to the person asserting
3 confidentiality an opportunity to support that assertion in
4 writing. The commission shall assure that trade secrets and other
5 confidential information are not divulged. Photographs treated as
6 confidential information may be used as evidence pursuant to a
7 protective order issued by the commission or its designee.

8 SECTION 4. Section 27.071, Water Code, is amended to read as
9 follows:

10 Sec. 27.071. POWER TO ENTER PROPERTY. (a) Members of the
11 commission and the railroad commission and employees of the
12 commission and the railroad commission may enter public or private
13 property to inspect and investigate conditions relating to
14 injection well or disposal well activities within their respective
15 jurisdictions or to monitor compliance with a rule, permit, or
16 other order of the commission or railroad commission.

17 (b) The authority granted under this section to a member or
18 employee of the commission includes, but is not limited to, the
19 right to:

20 (1) take photographs;

21 (2) collect surface water samples and subsurface and
22 groundwater samples; and

23 (3) collect soil samples.

24 (c) Members or employees acting under the authority of this
25 section who enter an establishment on public or private property
26 shall observe the establishment's safety, internal security, and
27 fire protection rules.

(d) If a member or employee of the commission is refused the right to enter in or on public or private property or to carry out a function authorized under this section, the executive director may assess a civil penalty under Section 27.1015 of this code.

(e) If it is asserted that any photograph taken pursuant to this section contains confidential information, such as trade secrets, the commission shall retain such photograph in a file marked "Confidential," and shall afford to the person asserting confidentiality an opportunity to support that assertion in writing. The commission shall assure that trade secrets and other confidential information are not divulged. Photographs treated as confidential information may be used as evidence pursuant to a protective order issued by the commission or its designee.

SECTION 5. Section 7, Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), is amended by adding new Subsections (c) and (i) and relettering existing Subsections (c)-(g) as Subsections (d)-(h) to read as follows:

(c) The authority granted under this section to an authorized agent or employee of the commission includes, but is not limited to, the right to:

- (1) take photographs;
- (2) collect surface water samples and subsurface and groundwater samples;
- (3) collect soil samples; and
- (4) inspect and copy records concerning solid waste management of a facility inspected under this section. If an authorized agent or employee of the commission is refused the right

1 to enter in or on public or private property or to carry out a
2 function authorized under this section, the executive director may
3 invoke the remedies under Sections 8, 8a, and 8b of this Act.

4 (d) [~~(e)~~] Regulated hazardous waste management and disposal
5 facilities shall be inspected periodically by the department or
6 department of water resources as required by the U.S. Environmental
7 Protection Agency pursuant to the federal Solid Waste Disposal Act,
8 as amended by the Resource Conservation and Recovery Act, as
9 amended. In supplementing these inspections, the department and
10 the department of water resources shall give priority to inspecting
11 and reinspecting those facilities, including generators, deemed
12 most likely to be noncompliant or most likely to pose an
13 environmental or public health threat, regardless of whether they
14 are characterized as major or non-major facilities. The state
15 agencies may also randomly perform less comprehensive checks of
16 facilities to supplement the more comprehensive inspections
17 required by the U.S. Environmental Protection Agency.

18 (e) [~~(d)~~] Records copied pursuant to Subsection (b) or (c)
19 of this section shall be public records, except that, if a showing
20 satisfactory to the commissioner of the department or to the
21 executive director is made by the owner of such records that the
22 records would divulge trade secrets if made public, then the
23 department or the commission shall consider such copied records as
24 confidential. Nothing in this subsection shall require the
25 commission or the department to consider the composition or
26 characteristics of solid waste being processed, stored, disposed,
27 or otherwise handled to be held confidential.

(f) [(e)] The department and department of water resources shall publish annually [~~beginning in January 7, 1986,~~] a report to be known as the annual inspection report, which shall summarize the agency's inspection strategy and the results of all inspections conducted during the previous fiscal year, and list hazardous waste treatment, storage and disposal facilities not inspected. The annual inspection report shall identify each hazardous waste facility inspected and shall include the following information: a listing of those facilities found to be compliant with all hazardous waste regulations, those facilities with only minor or clerical violations, and those found to have substantive, non-clerical violations. In addition, for substantive, non-clerical violations, the report shall identify the violations and either summarize corrective actions or describe the status of unresolved violations.

(g) [(f)] The annual inspection report shall be submitted to the governor, lieutenant governor, and speaker of the house. The state agencies shall provide notice of the availability of the report by publication of notice in the Texas Register.

(h) [(g)] The report of each state agency shall identify those facilities having demonstrated an exemplary record of compliance over the preceding three-year period and those facilities which have been adjudicated during the preceding three-year period to have committed substantive, non-clerical violations which have resulted in an actual release of hazardous waste that presented an imminent and substantial endangerment to the public health and safety or the environment.

1 (i) If it is asserted that any photograph taken pursuant to
2 this section contains confidential information, such as trade
3 secrets, the commission shall retain such photograph in a file
4 marked "Confidential," and shall afford to the person asserting
5 confidentiality an opportunity to support that assertion in
6 writing. The commission shall assure that trade secrets and other
7 confidential information are not divulged. Photographs treated as
8 confidential information may be used as evidence pursuant to a
9 protective order issued by the commission or its designee.

10 SECTION 6. The importance of this legislation and the
11 crowded condition of the calendars in both houses create an
12 emergency and an imperative public necessity that the
13 constitutional rule requiring bills to be read on three several
14 days in each house be suspended, and this rule is hereby suspended,
15 and that this Act take effect and be in force from and after its
16 passage, and it is so enacted.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 21, 1989

TO: Honorable Terral Smith, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

In Re: House Bill No. 1330
By: Swift

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1330 (relating to inspections and the collection of certain information by the Texas Water Commission concerning certain matters under its jurisdiction) this office has determined the following:

The bill would amend several sections of the Water Code to clarify the authority of commissioners and employees of the Water Commission and the Railroad Commission to enter public and private property in order to investigate conditions relating to water quality and would provide specific authority to perform certain tasks in relation to such investigations and inspections.

No fiscal implication to the State or units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Water Commission;
LBB Staff: JO, JWH, AL, WRC, CKM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 17, 1989

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: House Bill No. 1330,
as engrossed
By: Swift

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1330, as engrossed (relating to inspections and the collection of certain information by the Texas Water Commission concerning certain matters under its jurisdiction) this office has determined the following:

The bill would amend several sections of the Water Code to clarify the authority of commissioners and employees of the Water Commission and the Railroad Commission to enter public and private property in order to investigate conditions relating to water quality and would provide specific authority to perform certain tasks in relation to such investigations and inspections.

No fiscal implication to the State or units of local government is anticipated.

Source: Water Commission;
LBB Staff: JO, JWH, AL, WRC, BL

H. B. No. 1320

By SWIFT

A BILL TO BE ENTITLED

AN ACT

relating to inspections and the collection of certain information by the Texas Water Commission concerning certain matters under its jurisdiction.

FEB 21 1989

1. Filed with the Chief Clerk.

MAR 6 1989

2. Read first time and Referred to Committee on

Natural Resources

APR 20 1989

3. Reported favorably (as amended) and sent to Printer at 9:15 pm
(as substituted) APR 26 1989

APR 28 1989

4. Printed and distributed at 7:22 pm

MAY 1 1989

5. Sent to Committee on Calendars at 8:52 am

MAY 11 1989

6. Read second time (amended) passed to third reading (failed) by (Non-Record Vote)
(Record Vote of yeas, nays, present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

MAY 12 1989

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 12 1989

12. Ordered Engrossed at 1:00 pm

MAY 12 1989

13. Engrossed.

MAY 12 1989

14. Returned to Chief Clerk at 6:32 pm

MAY 15 1989

15. Sent to Senate.

Betty Murray
Chief Clerk of the House

MAY 15 1989

16. Received from the House

MAY 16 1989

17. Read, referred to Committee on NATURAL RESOURCES

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by

(a viva voce vote.)
(_____ yeas, _____ nays.)

89 MAY 12 PM 5:32

HOUSE OF REPRESENTATIVES

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION: OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

HOUSE OF REPRESENTATIVES

89 MAY 12 PM 1:40

SENATE

89 APR 28 PM 7:22

NR

1330